

FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH

RE: DEPUTY CLERK

**Sean Julander**  
(Pro Per) Plaintiff  
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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

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SEAN JULANDER,  
Plaintiff,

vs.

MARVIN BAGLEY, in his official capacity  
as Judge, 6<sup>th</sup> District Sevier Co. Utah, & in  
his individual capacity.

Defendant,

MOTION TO OBJECT TO DEFENDANT'S  
(MOTION TO DISMISS)

Civil No. 2:17-cv-01315-DB-DBP

Judge Dee Benson  
Magistrate Judge Dustin B. Pead

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**MOTION**

Plaintiff objects to Defendants Motion for Dismissal. Plaintiff is pursuant to Civil Rights Act of 1871, one of the most widely used Federal civil rights laws. Usually referred to as Section 1983, this law permits suits for damages or injunctive relief against those who, "under color of state law" violate an individual's civil rights.

Plaintiff claims for any equitable relief, to the extent that the harms/damages caused by no relief from the injunction resulted in the violation of Sean Julander's(& his Children's) Civil Rights,

they still exist, are not barred, as this law permits suits for damages or injunctive relief against those who, "under color of state law" violate an individual's civil rights:

**Because they are not moot;**

By the Civil Rights Act of 1871 or "the Section 1983" &

By Answering a constitutional question, that the Supreme Court denies immunity. Judge Marvin Bagley and the State of Utah does not have immunity to being sued in federal court on claims related to misconduct that did not involve official acts, because the claimed "official acts" aka "Custody Orders"/Custody Orders/[Custody Orders][pick two or pick them all] because the claimed "official acts" are based on and are Fraudulent or illegal or unlawful or not within the scope of the law or un orderable or unconstitutional or one-sided[WOW I am not even fishing I am writing a truth motion]. &;

18 U.S. Code § 1621 – Perjury (2) (in part states that) ...This section is applicable whether the statement or subscription is made within or without the United States.

**Not By the Younger abstention doctrine;**

“ “*Younger* abstention could be applied to "noncriminal judicial proceedings." Based on the factors discussed in *Middlesex*, the Eighth Circuit stated that *Younger* abstention is required when: “

- “(1) there is an ongoing state judicial proceeding, which
- (2) implicates important state interests, and
- (3) the state proceedings provide an adequate opportunity to raise constitutional challenges.”

“The Eighth Circuit found that Sprint’s suit in Iowa state court met each of the *Middlesex* factors, citing Iowa’s interest in establishing and implementing its intrastate utility rates.”“

Plaintiff states, Yes, there is an ongoing state judicial proceeding, at least partially, and this ongoing proceeding will in fact be affected by the unlawful injunction or illegal injunction & already unconstitutional injunction caused by the Temporary Custody Orders that were ordered by the state of Utah or Judge Marvin Bagley, Order Signed on January 11, 2017. The Order has harmed not only the Plaintiff or Plaintiffs Children as well. This case involves children and the Plaintiff a.k.a.( the people of the Constitutional Republic of the United States of America), which in turn brings up the 10th Bill of Right. The plaintiffs 10th Bill of right is just as good as the state of Utah's 10<sup>th</sup> Bill of Right, especially when the State of Utah has trespassed without reasonable cause, the plaintiff's at the very least the 14th amendment, possibly the fourth, I believe the the fifth(punishment(punishment being unreasonable without cause clearly) punishment is not limited to a non-civil case, [think that over a little bit]), we will just call it the 14<sup>th</sup>, and the plaintiff seeks that the federal courts should not abstain from deciding a case that involves “exceptional” matters. The “exceptional” matters in this case are Two Children, the said Plaintiff and the (Your) Constitution itself; clearly, concisely and directly, this case is not about “establishing and implementing some intrastate utility rates”, that somewhat takes care of eliminating part (1) of this attempt to dismissal based on “Younger”. Plaintiff is not sure how the State of Utah would have been wrongly implicated, if its judgement would have been enforced based on Federal & Utah Statues already stated for Fit-Parents, how would that “implicate important state interests”, it would have not implicated satate interests, the Plaintiff or “the Petitioner in the Divorce Case Paid the State of Utah nearly \$400.00 to hear the

Case, not only did the State of Utah benefit, it has also made money by way of taxes Petitioner and Respondant have paid money to Lawyers, and those Lawyers have bought Goods or Services in the State of Utah and those Goods or Services were Taxed by the State of Utah, so Plaintiff states implications of the State of Utah has been to benefit, from this case, [until the state of Utah harmed people] by way of injunction. The plaintiff doesn't care if economy Federalist this is the Constitutional Republic of the United States of America, and the Constitution was wrote & Supersedes, way before Utah ever began to think it was even a state. The State of Utah is being Sued after injuring or harming or damaging Three People by a Person, the said Plaintiff.

"In *Younger*, the Supreme Court held that except in limited circumstances involving immediate irreparable injury," caused by the injunction caused by the Judgement of the Temporary Custody Orders, this judgment being absolutely and obviously without a Judgement concerned with equality of judgment itself, and not concerned with all of the facts, presented during the Hearing. So who's 10th amendment is better? Whoever is right, based on facts, actual facts, real-life facts, things that actually happened like perjury not only on adultery, but on how-much-time the plaintiff was "spending"/being-with or [supposedly not] being-with their children. And the plaintiff believes that takes care of number (2) **Younger abstention doctrine**, of the so-called defense of the Defendant.

Number (3) of the the **Younger abstention doctrine**, is that "the state proceedings provide[d] an adequate opportunity to raise constitutional challenges." The word "provides" & "adequate" opportunity to raise, the Plaintiff actually Provided the State of Utah to not only "provide the opportunity to raise but the opportunity to enforce constitutional wrongs/[challenges] made by the State of Utah. The Plaintiff provided these opportunities to the State of Utah, pursuant to right the wrongs, said plaintiff Filed Motions; "the opportunity" [well] the plaintiff did raise &

invoked His And His Childrens Constitutional Rights To Be Enforce based on Common Sense or the law or the legal basies of the constitutional challenge. The plaintiff gave the state of Utah plenty of time, to right the wrongs, and plenty of occasions to right the wrongs. I never rest my case the state of Utah still refuses to accept its responsibility to the people of the constitutional Republic of the United States of America and Americans. "And Utah can't take that away" [or as my dad once said "grow up", whatever that means]. They really appears like Utah is in the wrong and that should/Must have responsibility to the people, and their people, and the people of the Real Government or [Federal] /or /Federal Government, and the plaintiff will not be subverted, especially by fraud, lies trespass and invasion. And the plaintiff believes that partially takes care of number (3) **Younger abstention doctrine**, of the so-called defense of the Defendant. Number (3) is cover below as well, with logic and reason.

**Not By the Younger abstention doctrine;**

By 4 Objections by Sean Julander to the "temporary" Custody Order filed to rthe State of Utah & state proceedings to provide an adequate opportunity for the State of Utah / Defendant opportunity to raise constitutional challenges & to provide an adequate opportunity for the State of Utah / Defendant to Enforce the Law. And to Enforce the 14<sup>th</sup> Amendment to Sean Julander and His Children.

By there is no "Time-Machines" yet invented Act by using Reasonable Common Sense Act. & By the "How is Sean Julander supposed [not] file a Complaint with the Federal Court" and also wait "to legally comply with the "Younger abstention doctrine" (for the State of Utah Court/s to keep violating Sean Julander's Rights and/in-addition) wait longer than the Federal Law/s Statute of Limitations. Sean Julander cannot fulfill both the Federal law and the "Younger abstention doctrine".

And the Federal Law supersedes the State of Utah's Laws.

Especially when the People aka the Person Sean Julander stands and invokes his Bill of Rights etc. and agrees with the Federal Law and not the State of Utah doctrine.

**Not By the Younger abstention doctrine;**

By The Younger abstention doctrine cannot provide Sean Julander's (& his Children's) a "Time-Machine" to allow all of us to go back in time, to Right/Correct the Violations against Sean Julander's (& his Children's) Civil Rights. The violations against Sean Julander were the result and caused by the State of Utah or the 6<sup>th</sup> District Court of Utah or by Marvin Bagley or all three through the issuance of the "Temporary" Child & Parent Custody Orders.[thus the " or " without a comma].

**Also, regarding the "Not By the Younger abstention doctrine;"**

By Sean Julander sought & pursued & filed & Motioned & Compelled by 4 separate compelling/s/occasions/"times" 3 by Motions to Correct the injunction, and 1 time by Verbal at a Status Hearing and All 4 were within 1 Year and the first Motion filed to compel & Objected to the Temp. Orders were within 14 days of Scott Charlier Withdraw from Sean Julander "getting out of Sean Julander's way". [Is that part of the reason why Sean Julander does not have a Lawyer helping him on this case, or is it because he cannot pay a Lawyer enough money to win this case]

**Not By the Federal Courts Improvement Act.**

**By Executive Order 12988**

By Sean Julander filed 4 motions and 2 of those Motions included as the Title (part of the title in the 2 Motions were" **Executive Order 12988**") of the Motions and the Motions were Pursuant to to the entirety of E.O. 12988: "**Executive Order 12988**" of February 5, 1996 Civil Justice

Reform; Basically states **Executive Order 12988** Section 1 (a) “(a) Pre-filing Notice of a Complaint. No litigation counsel shall file a complaint initiating civil litigation without first making a reasonable effort to notify all disputants about the nature of the dispute and to attempt to achieve a settlement ...”.

**Executive Order 12988** Section 1(c) (1) “(1) Whenever feasible, claims should be resolved through informal discussions, negotiations, and settlements rather than through utilization of any formal court proceeding. ... ”.

See <https://www.gpo.gov/fdsys/pkg/FR-1996-02-07/pdf/96-2755.pdf>

#### **Plaintiffs' claims are damages are Not barred**

[Repeat] By the Civil Rights Act of 1871 or “the Section 1983” & this law permits suits for damages or injunctive relief against those who, "under color of state law" violate an individual's civil rights.

To the extent, the Federal Court can Issue Punitive Damages that fit, fitting is up to and including (10% of the max.) of up to the maximum of 3 million USD to Sean Julander for the injunctions by the State of Utah. Punitive Damages for the relief, for the Time that Sean and His Children can never get back, for the State of Utah not solving the injunctions or Negligence. These “one-sided” Custody to only One Parent & the Children being unconstitutionally not allowed by Order to have Custody of the other Parent (aka the Children can have Custody of “every-Other WeeK-END”; of the [Usually the Father or] “other “left-out” Parent”. This [One-Sided Custody is “Weak-End” B.S.] ‘Emphasis’ this Needs To Stop! STOP &/or PLEASE STOP doing this to the Children & the Parent(s)! AND YES Anyone injunctions &/or harms against Anyone, Needs to Stop and Yes, the Plaintiff seeks relief to the injunctions & damages, and is pursuant to 42 U.S.C. § 1983 or other Federal law/s.

Although Plaintiff does not seek damages by the doctrine of judicial immunity; and Yes, to the extent of stopping this from happening in "A Constitutional Republic if you can keep it." A Constitutional Republic, which means the Majority or the particularly anyone does not ever "win", when anyone or two or three or whatever people/persons' are Correct, Truthful, Right, Factual, Actual, Real, Constitutional. And this Complaint is not one of those "fake Complaints" without reason or unreasonable Complaints (which actually abuses the Constitution/Bill of Rights) some people have [bs] claims that other people have claimed that are ridiculously claimed and do not have reasonable weight to claim the 1983. Although this Complaint does reasonable weight to claim the 1983; And this Complaint is with importance, and is Factual. To the extent Plaintiff seeks damages for negligence or injunctions or harm or time that Sean Julander's Children can never get back, and Yes Sean Julander wants these injunctions to Stop, but not by the Governmental Immunity Act of Utah, but By the Bill of Rights of Sean Julander And His Children and They are Also Keshia's Children and Sean Julander is the Only one who gets this Fact and Seeks to Enforce the Law, Call Sean Law Enforcement but he is not Employed by the "Law Enforcement Places", it seems like without the Punitive Damages Sean Julander seeks, and it is clear whether Mr. Julander seeks equitable relief in the form of Punitive (Damages). Sean Julander is doing this for My Children & Sean Julander, and for the law needing to be enforced with equality. Sean Julander cannot be held responsible for persons /people's misconduct.

**By Appeal as to not Waste more Court Time and Waste More Appeals Court Time**  
This Court should be allowed to not only award Relief to the Plaintiff in the form Punitive (Damages), but should be allowed to Reverse the Custody Orders, because the "Temporary" Orders will affect the Final Orders that are scheduled for April 21<sup>st</sup> 2018, and if not Sean

Julander will seek Appeal to Reverse the Custody Orders in Appeals Court. And Sean Julander did state that in the First Complaint to be as instrument as Evidence so the Appeal will not be set back or “Un-Appealable” for Statute of Time Limitations or [for not having a Lawyer help Sean Julander].

These Custody Orders have & still are damaging/harming said Plaintiff and Plaintiff's My Children in such negative way that it has in fact affected not only my Children, and me, it has affected all Sean Julander's “surrounding” Family. [Family is bases of Society, and Sean Julander wishes he could have been a better “Married Person/Guy/Whatever to Keshia” but Keshia Petitioned for Divorce not Sean.] And the State of Utah made its judgements and Custody Order without concern of the 14<sup>th</sup> Amendment Right/s of Plaintiff / Plaintiff's Children, and this Sean will always Care about his Family from his Children to sharing his Children with the Children's other Parent/ Keshia. Sean has the Right, invoked & wants/ed to be an active Parent, Custody of Equality(which Utah Statutes state) & with time with His Children.

**By In re Sanders**

(By In re Sanders, 852 NW 2d 524 - Mich: Supreme Court 2014, 852 N.W.2d 524 (2014), 495 Mich. 394 In re SANDERS. Docket No. 146680. Calendar No. 6.

Argued November 7, 2013. Decided June 2, 2014. Supreme Court of Michigan.

This Case (In re SANDERS) answers the Fit Parent part of the Judgment.) Summary of this case is (any/all fit parent/s have (Custody) Rights to Their Children.)

**By The State of Utah not allowed immunity while Committing Fraud and Child Abuse**  
Child Abuse by way of not allowing My Children not to be with their Fit-Parent & Father. Utah is not the Father. The lawyers are not the Father of My Children & are not a Fit-Parent/s of my Children. The judge Marvin Bagley is not the Father of My Children. The State of Utah is not the

Father of My Children. And none of you the Father of My Children. Moreover, none of you is God. And it makes no sense to Order Any Time of Custody Orders based on no Real Evidence during the Temporary orders Perpetrated and Put-On by Jared Peterson, Scott Charlier, and Marvin Bagley, The temporary orders were signed on January 11, 2017, but the temporary orders were not signed by Sean Julander and Sean Julander Objected as soon as Sean Julander could and within 1 year. Then if anyone wants a Real Court battle, I can issue and Sanction that the three can be barred and the State of Utah can be barred based on Child Abuse, while Committing Fraud. Is the State of Utah not a Co-Habitant to Sean Julander? It is arguable, but more importantly, does the State of Utah think it can commit violations, fraud, illegal activities, etc. with immunity? No, the State of Utah will be legally or lawfully sued by anyone that the State of Utah commits against anyone, the State of Utah cannot commit violations or fraud or illegal activities against anyone and then claim immunity. Especially when that anyone namely Sean Julander “Pre-“ Filed multiple Objections Complaints in attempt to have the State of Utah or Judge Bagley Correct the violations or fraud against Sean Julander.

**By Injunctions & Fraud & Perjury & Violations that Lead to the Damages & Harm**  
Utah or Judge Bagley is not a Fit-Entity to make reasonable and equality of Judgments of Custody of my Children. While Keshia Poulson [Julander] commits Perjury and the State of Utah or Judge Bagley knows this Fact of Keshia Poulson [Julander] commits Perjury and still gives more Custody to the parent that commits Perjury and Keshia Poulson [Julander] committed Perjury on the Important Matter of (where Sean Julander was located)/how much time Sean Julander was [not] with the Children from 2012 to 2014, specifically Keshia Poulson [Julander] commits Perjury stating that Sean Julander was supposedly gone for 6 to 9 months, each year, including, 2012, 2013, & 2014, while Sean Julander was employment “working”; and that was

another one of the many Lies by Keshia Poulson [Julander]. Sean Julander can PROVE the FACT that Keshia Poulson [Julander] not only lied repeatedly & committed Perjury more than once. One Perjury of which the State of Utah or Marvin Bagley knew about and actually commented about the importance of the Matter Keshia lied in Court about the Matter, but never addressing the Perjury itself, as part of the injunction by Keshia and then By the State of Utah & Marvin Bagley as an agent of the State of Utah or is at least employed or receives monetary profits from the State of Utah by some form of Contract, Marvin Bagley failed to state the Word Perjury & actually helped the Perjurer Keshia Poulson [Julander] "win" the Custody Orders illegally or unlawfully.

**By Keshia Poulson [Julander] does not Share My Children with their Father**

**Before Court or After Court**

Utah or Judge Bagley is not a Fit-Entity to make reasonable and equality of Judgments of Custody of my Children. While Keshia Poulson [Julander] does not Share My Children's Time with their Father and the State of Utah or Judge Bagley knows this Fact of Keshia Poulson [Julander] does not Share My Children's Time with their Father and still gives more Custody to Keshia Poulson [Julander], is not Reasonable, and is not Common Sense, and is illegal and or unlawful.

**By Sean's & My Children has more common sense [than...] [...name names...?]**

**By "The United States of America" for Freedom, Security, Common Sense, & Equality.**

**By Punitive Damages &**

**SUPREME COURT; RULING SAYS STATE JUDGES MAY BE SUED IN CIVIL**

**RIGHTS CASES**

"An injunction is an equitable remedy in the form of a court order that compels a party to do or refrain from specific acts. A party that fails to comply with an injunction faces civil penalties, including possible monetary sanctions. They can also be charged with contempt of court."

The injunction that Judge Bagley should have been remedied is Fraud upon the Court and/or an equitable remedy (Equal Judgment Order) and/or the 14<sup>th</sup> Bill of Right of Sean Julander & his Children. The 14th Amendment to the U.S. Constitution is equal protection under the law/s (FRCP Rule 60), and the rights of Sean Julander.

The State of Utah and/or Marvin Bagley failed to remedy an injunction, which Marvin Bagley should have Corrected the Injunction-ous Temporary Order. Sean Julander sought & pursued & filed & Motioned & Compelled the 6<sup>th</sup> District Court of Utah or Judge Bagley to remedy the injunction. Sean Julander sought & pursued & filed & Motioned & Compelled the 6<sup>th</sup> District Court of Utah or Judge Bagley by filing 3 separate Motions objecting to the injunction ordered illegally or unlawfully or unequal judgment used, Ordered by Marvin Bagley and/or Ordered by the State of Utah.

The Justice of Department said that Congress has the authority to make laws governing (including Rule 60, the 14<sup>th</sup> Bill of Right, etc.) & that the Utah Legislature (Utah claims of rules about the topic of fraud upon the Court[Utah Laws of 14 or up to 90/92 day - "time limits"]) Utah Legislature does not have the power to overturn or supersede Federal laws or rules; especially when a United States of American, states that he, Sean Julander invoked all of the Federal laws & Bill of Rights & Sean Julander agrees with the Federal Law(Rule 60 is 1 year) and is pursuant to the Federal Law being enforced. Sean Julander does not agree with & objects to the Utah Legislatures Rules (Utah's "Rule 60" Fraud upon the Court gives only 3 Months or

14 Days or 30 Days to Object based on Fraud upon the Court) although, the Utah Legislature or the State of Utah Statutes does not have the power to overturn or supersede Federal Law. And then [Utah or whoever has the most money to pay a lawyer], Utah's "Rule 60" changes to 'whatever is less time in one case, and then "the less time" gets completely ignored in another case and then changes to 3 Months/whatever is a longer period of time in a different case, [but always in favor of the "Mothers-Side"] and not in favor of the Children and not in favor of the (Real Government of the United Stated of America, aka "Yours"/["Yours"], the Peoples Equality, Freedom, & Security and justice for All. All being whoever is Correct, Right, Truthful, Actual, Factual, Real, Provable, Fact Found, etc.)).

FRCP Rule 60. Relief from a Judgment or Order

(b)(3), (b)(4), (b)(6) & (c)(1), (c)(2),(c)(3)

(4) The judgment is void ;( Although the Judgment Enforced); although the Richfield City Police Dept. told & do & have; they have to enforce whatever (the Temp. Orders Ordered) Judge Bagley has Ordered. So, does Sean Julander have to Sue the RCPD & USDA(Food Stamps Section) & the State of Utah, & Utah [ill]Legal Services L.L.C.(Sandy Ness who was "let go" or "does not work for Utah [ill]Legal anymore, probably cause of what she did [not] do... in my case"), & Scott Charlier(my former Lawyer), & Keshia Poulson [Julander], & The D.A. Larsen Sevier County; & a few more I will not include at this time & [if needed the Federal Government] & [if needed the Governor of Utah] & [if needed the DOJ] & [if needed Congress], because the ones out of brackets[88][33]; Sean Julander has evidence in support & if this case is [unsuccess]ful then Sean Julander will be forced to hire a company to dig & find the evidence (evidence that refers to the entities(USDA "Utah Work Services", RCPD) mentioned above) from his laptop & Sean Julander will find this evidence & then we can go to Court again, with

the new evidence, I believe I can find this evidence, & I will pay a company to dig it out of the hard drive.

#### Suit Used 1871 Rights Act

The suit against the Virginia magistrate was brought under the Civil Rights Act of 1871, one of the most widely used Federal civil rights laws. Usually referred to as Section 1983, this law permits suits for damages or injunctive relief against those who, "under color of state law" violate an individual's civil rights.

In his opinion, Justice Blackmun reviewed the history of judicial immunity in English common law, from which the American immunity doctrine is derived. He concluded that because English judges were subject to certain common-law writs much like modern-day injunctions, there was no historical basis for extending judicial immunity to injunctive suits.

Justice Blackmun also said there was no evidence that Congress meant to exclude judges from injunctions under Section 1983.

His opinion, *Pulliam v. Allen*, No. 82-1432, was joined by Associate Justices William J. Brennan Jr., Byron R. White, Thurgood Marshall & John Paul Stevens.

In his dissenting opinion, Justice Powell said the majority opinion "in effect eviscerates the doctrine of judicial immunity." Subjecting judges to "the ever-present threat of burdensome litigation," he said, threatened judicial independence. Chief Justice Warren E. Burger & Associate Justices William H. Rehnquist & Sandra Day O'Connor joined the dissent.

The injunction is an equitable remedy, that is, a remedy that of equity. (The doctrine that reflects this is the requirement that an injunction can be given only when there is "no adequate remedy at law.") Injunctions are intended to make whole again someone whose rights have been violated. When deciding whether to give an injunction, & deciding what its scope should be, courts give special attention to questions of fairness & good faith. One manifestation of this is that injunctions are subject to equitable complaints or defenses, such as laches & unclean hands.

**Sean Julander wishes to make sure Sean Julander Defines Perjury Correctly**

Perjury is committed by anyone that Lies under Court oath, on any Topics that are Important Matters to the Case & Case Judgment, in favor of their own “side” of the Court Case with that intention of knowing that they in Fact are Lying about the important matter, and know that the [fact]/lie(/s) they are telling are not True, and then the Lie becomes Fraud upon the Court(if that Anyone does not during that hearing strike their Lies(/s) before the Judgment in that Hearing is Judged and then Ordered.

18 U.S. Code § 1621 - Perjury

((1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.)

The “equal protection” clause within Sec. 1 of the 14th Amendment says: No State shall “...deny to any person within its jurisdiction the equal protection of the laws.”

[Supreme Court Rule 10 provides guidance on the sort of issues that make a case “cert. worthy.” As a general matter, the justices look for cases that involve significant federal questions. With rare exceptions, the Court is slow to take on major legal issues and instead waits for issues to

percolate in the lower federal and state courts. Cases with any of these features may have a better chance of being granted review:]

[A lower court holds a federal law unconstitutional,[2] ]

[A federal law creates an issue that is likely to repeat itself,[3] ]

[There is disagreement among the federal appellate or state courts (referred to as a “circuit split”),[4] ]

[A lower court decides a case in a way that conflicts with the Supreme Court’s previous cases.[5] ]

See <https://www.heritage.org/courts/report/supreme-court-101-primer-non-lawyers> “Family Relationships.— Starting with Meyer and Pierce,<sup>691</sup> the Court has held that “the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation’s history and tradition.”<sup>692</sup> For instance, the right to<sup>688</sup> The Court reserved this question in Carey, 431 U.S. at 694 n.17 (plurality opinion), although Justices White, Powell, and Stevens in concurrence seemed to see no barrier to state prohibition of sexual relations by minors. Id. at 702, 703, 712. <sup>689</sup> Roe v. Wade, 410 U.S. 113, 152 (1973). The language is quoted in full in Carey, 431 U.S. at 684–85. <sup>690</sup> In the same Term the Court significantly restricted its equal protection doctrine of “fundamental” interests—“compelling” interest justification by holding that the “key” to discovering whether an interest or a relationship is a “fundamental” one is not its social significance but is whether it is “explicitly or implicitly guaranteed by the Constitution.” San Antonio School Dist. v. Rodriguez, 411 U.S. 1, 33–34 (1973). That this limitation has not been honored with respect to equal protection analysis or due process analysis can be easily discerned. Compare Zablocki v. Redhail, 434 U.S. 374 (1978) (opinion of Court), with id. at 391 (Justice Stewart concurring), and id. at 396 (Justice Powell

concurring).<sup>691</sup> Meyer v. Nebraska, 262 U.S. 390 (1923); Pierce v. Society of Sisters, 268 U.S. 510 (1928).<sup>692</sup> Moore v. City of East Cleveland, 431 U.S. 494, 503 (1977) (plurality). Unlike the liberty interest in property, which derives from early statutory law, these liberties spring instead from natural law traditions, as they are “intrinsic human rights.” Smith v. Organization of Foster Families, 431 U.S. 816, 845 (1977). These rights, however, do not extend to all close relationships. Bowers v. Hardwick, 478 U.S. 186 (1986) (same sex relationships).

AMENDMENT 14—RIGHTS GUARANTEED<sup>693</sup> 1961 marry is a fundamental right protected by the Due Process Clause,<sup>693</sup> and only “reasonable regulations” of marriage may be imposed.<sup>694</sup> Thus, the Court has held that a state may not deny the right to marry to someone who has failed to meet a child support obligation, as the state already has numerous other means for exacting compliance with support obligations.<sup>695</sup> In fact, any regulation that affects the ability to form, maintain, dissolve, or resolve conflicts within a family is subject to rigorous judicial scrutiny.”

“PROCEDURAL DUE PROCESS: CIVIL<sup>696</sup> Generally Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power.<sup>737</sup> Exactly what procedures are needed to satisfy due process, however, will vary depending on the circumstances and subject matter involved.<sup>738</sup> A basic threshold issue respecting whether due process is satisfied is whether the government conduct being examined is a part of a criminal or civil proceeding.<sup>739</sup>... ...In civil contexts, however, a balancing test is used that evaluates the government’s chosen procedure with respect to the private interest affected, the risk of erroneous deprivation of that interest under the chosen procedure, and the government interest at stake.<sup>741</sup>”

See SENATE 112th Congress 2nd Session, No. 112–9, THE CONSTITUTION of the UNITED STATES OF AMERICA ANALYSIS AND INTERPRETATION, Centennial Edition,

INTERIM EDITION: ANALYSIS OF CASES DECIDED BY THE SUPREME COURT OF  
THE UNITED STATES TO AUGUST 26, 2017.

- 1) Before Utah was allowed to become a state of the constitutional Republic of the United States of America, the individual a.k.a. the “state of Utah government” (not yet state at that exact moment), agreed to be possibly sued, without younger doctrine immunity or immunity, when the state of Utah, or its public voted officials, or its employees contracted by vote; When the state of Utah or Utah State infringes or trespasses any individuals Bill of Rights.
- 2) The statement in number one, #1 is/are called fact/s, and they are not arguable, left or right up or down sideways forward or sideways. Facts are non-arguable.
- 3) Sean Julander lives in Utah, and is Utah within the United States of America the Constitutional Republic.
- 4) The Founding Fathers of the United States of America, ever say the Term Democracy as in; ”...I pledge allegiance to the United States of America and to the [Democracy]”, no it is the Republic. ”...Sean Julander pledges allegiance to the United States of America and to the Constitutional Republic...”
- 5) Sean Julander Sue the State of Utah for Child Abuse, if needed as well.
- 6) Sean Julander does not need to ask “Permission” from the State of Utah, to have 50% Custody of his Children, it is already a Utah “law”. It is not being enforced with equality.
- 7) The State of Utah is not qualifying as a better parent to My Children. Sean Julander is obviously more fit to Enforce the Law than the State of Utah.
- 8) The State of Utah is Committing Child Abuse and should be prosecuted.
- 9) The federal Court (government), can override any state that trespasses an [The] American’s Bill of Rights & 14th Amendment Right.

- 10) The younger doctrine defense cannot be allowed, as a reasonable [/etc.-word/etc.] defense. "The Younger Doctrine" defense can not be allowed, as a reasonable defense, in any Case, while/during, any case that the state trespasses any United States Americans civil rights, in a civil case, you know his civil rights, in a civil case. The younger doctrine cannot be used as defense.
- 11) Civil Rights be used, enforced, invoked, and enforced still, in a civil case.
- 12) No Judge beyond (or above the law or more powerful or greater than) the Bill of Rights.
- 13) No one is [whether he or she is for my team or yours, as I am on your side].
- 14) The state of Utah or Judge Bagley or both, trespass/ed Sean Julanders' civil rights, in a civil case.
- 15) The Defenses claimed by the Defendant in this Case is unallowable [ridiculous because we all know the truth].
- 16) Sean Julander in fact the father of [the] My children.
- 17) Sean Julander has many God-given Rights a.k.a. Un-[a]Lien-Able, meaning the State of Utah or Defendant cannot put a lien on my rights to my children, without Reasonable Reasons. Yes, Sean Julander having 50% of the FULL CUSTODY of HIS CHILDREN a God-given right.
- 18) It is a nature-given Right Sean Julander tab custody of his children. Sean Julander having 50% of the FULL CUSTODY of HIS CHILDREN a nature-given right.
- 19) Sean "fight" this until "forever" or at least until his children get at least 50% of what it his children deserve. And the Releif that Plaintiff seeks in this Case.
- 20) Sean Julander "saddened" by these absurd defenses, put forth by a Utah State/State of Utah's/"federal" defense lawyer/s. Sean Julander saddened by these absurd defenses.

- 21) Sean Julander actually asking for up to and including 10% of \$3 million for Relief by way of Punitive (Damages) Releif. People/Entity that infringe on other people's rights civil. We all know what real crimes include, the injunctions, harms & or damages caused by and entity or individual/s.
- 22) Punitive (Damages) Releif is also a [type of] punishment to the State of Utah. Utah and the other 49+ states, need to stop Un-equality of Custody. Equality. Freedom. Security.
- 23) The Defendant said in the Custody Orders Hearing, Sean Julander Plaintiff "find that both Parents are Fit-Parents". I am a good parent, with parenting skills as I have taken Family Relations & Parenting Courses from Snow College an accredited College.
- 24) Me children need/"need" both parents in their life, half-and-half 50-50 with equality.
- 25) No one or entity, not even a judge, is able to know the best interest of my children in eight hours, or less, in a combative court environment.
- 26) The federal Court can override a state/or state employee contractor that infringes or trespasses any United States of Americans civil rights, even in a divorce case.
- 27) Yes, the federal government must protect any United States of American/s. The younger doctrine defense cannot be allowed, as a reasonable [/etc.-word/etc.] defense.  
No the younger doctrine does not/ must not/ and will not help trespass "over" someone's or anyone's civil rights. As is, this is, against the law.
- 28) the Bill of Rights came before the State of Utah or any of its employees. The Bill of Rights.
- 29) ((So the younger doctrine is not older than the older doctrine & it does not supersed Federal laws that do not allow it. The younger doctrine cannot be used as a claimable defense by

any defendant/s, this is known as; against the Older Federal Upstanding Law, and a.k.a. it is against the superseding federal law.))

30) The federal law, which includes the Bill of Rights, supersedes any conflicting Utah State "law". Federal law supersedes any conflicting Utah State law.

((any conflicting override/supersede/came-before (was made before)/trumps, and supersedes any Utah State law, that has a conflict (with any federal law a.k.a. the Bill of Rights). In addition, that law still stands today, 2018.)) [/ (override/supersede come-before (was made before)/trumps) Utah State law?]

31) The Bill of Rights supersedes any Utah State law, that conflict/s.

((With any federal law a.k.a. the Bill of Rights)).

32) The State/Judge/employee/voted-in employee/etc.-Employee, cannot be allowed immunity to trespassing anyone's Civil Rights, Bill of Rights, in any Civil Case. Not even a Supreme Court Judge.

33) It is Negligence and/or gross negligence or which lot term would be used, to describe; when any State/Judge/employee/voted-in employee/etc.-Employee, [be allowed immunity] is in fact trespassing anyone's Civil Rights, Bill of Rights, in any Civil Case. Negligence and/or gross negligence is not allowed to claim immunity.

34) Anyone can in Fact, sit ([conn]tempt attempt to "stand") and say a bunch of so-called laws that came after, [(meaning they can override)] the Bill of Rights. Although Any Time those so-called laws infringe on any United States of Americans' Bill of Rights it is not allowed.

35) The state /whoever /any single (or Majority aka democracy)/ entity &/or individual etc. Attempting to supersede any persons' Bill of Rights is not Immunity-z-able. (Remember the Bill of Rights is a Federal Law and is/was Enforced, before Utah was ever even a State, which

[probably] includes any [people] Contractors being hired under the state of Utah as an employee, aka a Contractor in fact contracted or voted in by anyone in the state of Utah. [This is not a people, this is called tyranny, and if you want that go Join con kung foo - Jeong Jong ill in North Korea] him/her still today, cause there isn't no doubt federal law was made before Utah ever breathed a breath.

36) Fact and truth and rightly called negligence(gross or regular, it is against the Law, The Bill of Rights and no one is more powerful, not even a Supreme Court Judge, Not even Trump, is more powerful, than the Bill of Rights As it stands, "...and they can't take that away"). Whether it is gross or regular negligence. And there's no other law that overrides the first nine [Period].[Space-Bar] Sean Julander is/must not play [bs] word games with anybody[here or there],

37) Although Any Time those so-called laws infringe on any [legal]/legal United States of Americans' (as in the/any person/ the human being,) it is called negligence whether it be gross or regular negligence. And there is no other law that overrides the first nine [Period]. [Space-Bar] Sean Julander is/must not play [bs] word games with anybody [here or there],

38) Which came first the state of Utah hiring a contractor specifically judge Bagley or the Bill of Rights? The Bill of Rights.

39) Does federal law override/supersede/come-before (was made before)/trumps Utah State law? Yes, Federal law (aka The Bill of Rights) override/supersede/come-before (was made before)/trumps, and in fact must be enforced over every single [(or doubled)] Utah State law. This case federal Law-Being [lobbying] the Bill of Rights, in this case Sean's Bill of Rights overrides supersedes came before and is/was Present and intact, enforced, and will be enforced and must be enforced. [or you your self will in fact be more becoming to contract your selves out

of, well you claim that you are doing the correct business](Other[un]wise you your self will in fact be more becoming to contract your selves out of Busy-Ness, well you claim that you are doing the correct business).

/s/ Sean Julander

**CERTIFICATE OF SERVICE/MAILING/DELIVERY**

That on, 30<sup>th</sup> day of May 2018, I, said Plaintiff , Sean Julander, Filed & Legally Serve or Deliver, by Hand Delivery a true and accurate copy of the **MOTION TO OBJECT TO DEFENDANT'S (MOTION TO DISMISS)**

Case No. 2:17-cv-01315-BSJ

Judge Bruce S. Jenkins

, to:

Defendant, MARVIN BAGLEY

Desk to:

KYLE J. KAISER (13924) Assistant Utah Attorney General SEAN D. REYES (7969) Utah Attorney General

160 East 300 South, Sixth Floor P.O. Box 140856

Salt Lake City, Utah 84114-0856 Telephone: (801) 366-0100 Facsimile: (801) 366-0101 E-mail: kkaiser@agutah.gov Attorneys for Defendant

Document Mailed: **MOTION TO OBJECT TO DEFENDANT'S (MOTION TO DISMISS)**

That on, 30<sup>th</sup> day of May 2018, I, said Plaintiff , Sean Julander, Filed & Legally Serve or Deliver, by, Certified Mail, TWO COPIES, true and accurate copy/s of the **MOTION TO OBJECT TO DEFENDANT'S (MOTION TO DISMISS)**

, to:

US District Court

District of Utah

351 So. West Temple, Room 1.100

Salt Lake City, UT 84101

Document Delivered: **CIVIL RIGHTS COMPLAINT (AMENDED) (42 U.S.C §1983) & OBJECTION TO DEFENDANTS MOTION TO DISMISS**

Dated this 30<sup>th</sup> day of May 2018

Sign here: /s/ Sean Julander.

Sean Julander

Plaintiff Sean Julander  
Pro Per, Plaintiff  
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Richfield, Utah 84701  
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